

Regular Session, 2012

HOUSE BILL NO. 919

BY REPRESENTATIVE DIXON

DISTRICTS/TAXING: Creates the Rapides Parish Taxing District

1 AN ACT

2 To enact R.S. 33:9038.66, relative to the parish of Rapides; to create the Rapides Parish
3 Taxing District; to provide relative to the boundaries, governance, and powers and
4 duties of the district; to provide relative to district funding, including the authority
5 to provide for tax increment financing; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9038.66 is hereby enacted to read as follows:

11 §9038.66. Rapides Parish Taxing District

12 A. The Rapides Parish Taxing District, referred to in this Section as the
13 "district", is hereby created as a special taxing district and political subdivision of the
14 state in the parish of Rapides.

15 B. The boundaries of the district as are follows:

16 TRACT I

17 A certain tract or parcel of land, together with all buildings and
18 improvements thereon and all rights, ways and privileges thereto appertaining, being,
19 lying and situated in Rapides Parish, Louisiana and being more fully described as
20 follows: 109.2 acres more or less lying and situated on the left descending bank of

1 the Red River and lying between said bank of Red River and what is known as Crepe
2 Myrtle Drive, near the City of Pineville being situated in Sections (21) and (24)
3 Township (4) North Range (1) West

4 TRACT II

5 A certain tract or parcel of land, together with all buildings and
6 improvements thereon and all rights, ways and privileges thereto appertaining, being,
7 lying and situated in Rapides Parish, Louisiana, near the City of Alexandria, on the
8 right descending bank of the Red River and being more fully described as follows:
9 4.1 acres in Section 10, Township 4 North, Range 1 West, part of Experiment
10 Plantation, Ward 1 Out

11 TRACT III

12 A certain tract or parcel of land, together with all buildings and
13 improvements thereon and all rights, ways and privileges thereto appertaining, being,
14 lying and situated in Rapides Parish, Louisiana, near the City of Alexandria, on the
15 right descending bank of the Red River and being more fully described as follows:
16 Two (2) acres on Red River, bounded by Experiment Plantation, in Section 9
17 Township 4 North, Range 1 West

18 C.(1) The district is created to provide for cooperative economic
19 development between the district, the parish of Rapides, the city of Pineville, other
20 economic development districts in the parish, and the owner or owners of businesses
21 and property within the district in order to provide for renovation, restoration, and
22 development within the district.

23 (2) Tax increment financing may be used to pay the costs and expenses
24 associated with implementation of the Redevelopment Plan adopted in accordance
25 with Subsection E of this Section for the development of all or any portion of the
26 property located within the boundaries of the district.

27 D.(1) The district shall be administered and governed by a five-member
28 board of commissioners, referred to in this Section as the "board", composed as
29 follows:

1 (a) The member of the Louisiana House of Representatives whose district
2 encompasses all or the greater portion of the area of the district shall appoint one
3 member.

4 (b) The member of the Louisiana Senate whose district encompasses all or
5 the greater portion of the area of the district shall appoint one member.

6 (c) The governing authority of the parish of Rapides shall appoint one
7 member.

8 (d) The mayor of city of Pineville shall appoint one member subject to the
9 approval of the governing authority of the city of Pineville.

10 (e) The Central Louisiana Chamber of Commerce shall appoint one member.

11 (2) Members shall serve four-year terms after serving initial terms as
12 follows: one member shall serve an initial term of one year, one shall serve two
13 years, one shall serve three years, and two shall serve four years, as determined by
14 lot at the first meeting of the board.

15 (3) All members of the board shall be residents and qualified voters of the
16 district.

17 (4) If any appointing authority fails to make an appointment within thirty
18 days after notification by the board of a vacancy, the board may appoint a member
19 of its own choosing.

20 (5) The appointing authority may replace the member that it appointed for
21 cause stated in writing and to fill any vacancy of an unexpired term.

22 (6) All members on the board shall serve without salary, per diem, or other
23 compensation, except that they shall be entitled to reimbursement for reasonable,
24 actual, and necessary expenses incurred in the performance of their duties, if such
25 expenses are not otherwise subject to reimbursement.

26 (7) A majority of the members of the board shall constitute a quorum unless
27 bylaws adopted by the board provide otherwise. The board shall keep minutes of all
28 meetings and shall make them available for inspection through the board's secretary.
29 The minute books and archives of the special district shall be maintained by the

1 board's secretary. The monies, funds, and accounts of the district shall be in the
2 official custody of the board.

3 (8) The board shall adopt bylaws and prescribe rules to govern its meetings.

4 (9) The domicile of the board shall be established by the board at a location
5 within the district.

6 (10) The board shall elect from its own members a president, secretary, and
7 treasurer, whose duties shall be common to such offices or may be provided by
8 bylaws. The office of secretary and treasurer may be held by one person. The board
9 shall hold regular meetings and may hold special meetings as provided in the bylaws.
10 All such meetings shall be public meetings subject to the provisions of R.S. 42:11
11 et seq., relative to open meetings.

12 (11) The board may employ or contract with an executive director and set
13 his compensation and terms of employment. Notwithstanding any other provision of
14 law to the contrary, the board may establish the term of such contract. The board also
15 may employ such other employees as are necessary to carry out the functions of the
16 district as authorized by the board.

17 E. (1) In order to effectuate the purposes of this Section, the board shall have
18 the specific authority provided in R.S. 33:4625(F) and such authority shall be
19 exercised solely within the district.

20 (2) The board shall formulate a redevelopment plan or plans for the district.
21 The board shall formulate a program or programs to implement any redevelopment
22 plan. Such a program shall implement the various plans in such a manner as to aid
23 and encourage private development of the area and to promote and coordinate public
24 development. In formulating such a program, the board may conduct studies and
25 may consult with all departments in the city of Pineville and the parish of Rapides
26 and other public or private agencies concerned with matters affecting or affected by
27 the program.

28 (3) After adoption of the development program, the board may implement
29 any portion thereof in such manner as shall, in its judgment, most likely accomplish

1 such program. To that end, the district may employ or contract with engineers,
2 architects, attorneys, underwriters, and other professionals necessary for the
3 financing and implementation of the construction, renovation, maintenance, or
4 operation of facilities described in the redevelopment plan and may contract in
5 accordance with law for the construction, renovation, maintenance, or operation of
6 the facilities.

7 F.(1) The district shall have and exercise all powers of a political subdivision
8 and special taxing district necessary or convenient for the carrying out of its objects
9 and purposes, including but not limited to the following:

10 (a) To sue and be sued.

11 (b) To adopt bylaws and rules and regulations.

12 (c) To receive by gift, grant, donation, or otherwise any sum of money,
13 property, aid, or assistance from the United States, the state of Louisiana, or any
14 political subdivision thereof, or any person, firm, or corporation.

15 (d) For the public purposes of the district, to enter into contracts, agreements,
16 or cooperative endeavors with the state and its political subdivisions or political
17 corporations and with any public or private association, corporation, business entity,
18 or individual.

19 (e) To appoint officers, agents, and employees, prescribe their duties, and fix
20 their compensation. The board may appoint or hire an executive director as it deems
21 necessary for the purpose of carrying out its day-to-day work operations for
22 convenience and effectiveness in the administration of plans. The board may
23 contract with consultants for project management and with developers or planners
24 for such services as it may require. The board may delegate certain authority to its
25 employees, consultants, and executive director to act on its behalf, which delegation
26 of authority shall be specific and in writing.

27 (f) To acquire by gift, grant, purchase, lease, or otherwise such property as
28 may be necessary or desirable for carrying out the objectives and purposes of the
29 district and to mortgage and sell such property.

1 (g) In its own name and on its own behalf, to incur debt and to issue bonds,
2 notes, certificates, and other evidences of indebtedness. For this purpose the district
3 shall be deemed and considered to be an issuer for purposes of R.S. 33:9037 and
4 shall, to the extent not in conflict with this Section, be subject to the provisions of
5 R.S. 33:9037. The tax to repay the bonded indebtedness shall be levied by an
6 ordinance adopted by the district's board. However, no such ordinance shall be
7 adopted unless a majority of the electors within the district voting at an election held
8 for such purpose in accordance with the Louisiana Election Code approves a
9 proposition authorizing the levy of such taxes for such purposes. The district may
10 call an election for the purpose of submitting such a proposition to the voters.

11 (h) To establish such funds or accounts as are necessary for the conduct of
12 the affairs of the district.

13 (i) To impose and collect a facility use fee on the admission to or use of
14 facilities located in the district if admission to or use of a facility is available to the
15 public. The district may collect such fees only for admission to or use of facilities
16 constructed after the effective date of this Section.

17 (2) The board shall prepare an annual budget of its operating expenses, the
18 total amount of which, exclusive of gifts, shall be within the total amounts
19 appropriated for the purpose by the board.

20 (3) The board of commissioners shall have an annual audit of its operating
21 expenses available for public review.

22 G.(1)(a) In order to provide funds for the purposes of the district, the board
23 shall have all authorities provided for in R.S. 33:9038.33 and R.S. 33:9038.34 to
24 implement ad valorem tax or sales tax increment financing.

25 (b) The board shall designate the ad valorem taxes or local sales taxes or
26 both which are to be used in determining the tax increments and the initial annual
27 baseline collection rate for the district, which shall be the amount of such designated
28 taxes collected in the district in the fiscal year of the district most recently completed
29 prior to entering any increment financing agreements. In addition, a monthly

1 baseline collection rate shall be determined by dividing the initial annual baseline
2 collection rate by twelve. The initial annual baseline collection rate and the monthly
3 baseline collection rate shall be certified by the chief financial officer or equivalent
4 of the district. The certification also shall be published one time in the official
5 journal of the parish of Rapides. If the amounts of the initial annual baseline
6 collection rate and the monthly baseline collection rate are not contested within thirty
7 days after such publication, then such amounts shall be conclusively presumed to be
8 valid, and no court shall have any jurisdiction to alter or invalidate the designation
9 of the amount of either the initial annual baseline collection rate or the monthly
10 baseline collection rate.

11 (2)(a) In order to provide funds for the purposes of the district, the board
12 may implement hotel occupancy tax increment financing. A hotel occupancy tax
13 increment shall consist of that portion of the hotel occupancy tax revenues for any
14 and all participating tax recipient entities collected each year within the district
15 which exceeds the baseline amount.

16 (b) The board shall designate the hotel occupancy taxes which are to be used
17 in determining the tax increments and the initial annual baseline collection rate for
18 the district, which shall be the amount of such designated taxes collected in the
19 district in the fiscal year of the district most recently completed prior to entering any
20 agreement with a participating tax recipient. In addition, a monthly baseline
21 collection rate shall be determined by dividing the initial annual baseline collection
22 rate by twelve. The initial annual baseline collection rate and the monthly baseline
23 collection rate shall be certified by the chief financial officer or equivalent of the
24 district. The certification also shall be published one time in the official journal of
25 the parish of Rapides. If the amounts of the initial annual baseline collection rate
26 and the monthly baseline collection rate are not contested within thirty days after
27 such publication, then such amounts shall be conclusively presumed to be valid, and
28 no court shall have any jurisdiction to alter or invalidate the designation of the

1 amount of either the initial annual baseline collection rate or the monthly baseline
2 collection rate.

3 (3) The district, in its exercise of tax increment financing as authorized by
4 this Section, is subject to the provisions of R.S. 33:9038.42.

5 (4) The board shall not designate any tax as part of its increment if the
6 proceeds have been previously pledged as security for bonded indebtedness. Also,
7 any tax or portion of a tax which has been previously dedicated to another purpose
8 according to a proposition approved by voters shall be used as such a tax increment
9 only if approved by a majority of the voters of the taxing authority levying the tax
10 voting on the proposition in an election held for such purpose.

11 H. The provisions of this Section shall not affect any school system or law
12 enforcement agency for any purpose and no tax levied by any such entity may be
13 included in any increment financing agreement authorized by this Section.

14 I. The provisions of this Section supersede any provision of R.S. 33:9038.41
15 deemed to be in conflict with this Section. However, R.S. 33:9038.41(C) shall not
16 limit the purposes of tax increment financing pursuant to this Section.

17 J. Liberal construction. This Section, being necessary for the welfare of the
18 city and its residents, shall be liberally construed to effect the purposes thereof.

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature
21 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
23 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dixon

HB No. 919

Abstract: Creates the Rapides Parish Taxing District as a special taxing district and political subdivision of the state in the parish of Rapides.

Proposed law creates the Rapides Parish Taxing District (the "district") as a special taxing district and political subdivision of the state to provide for cooperative economic development between the district, Rapides Parish, the city of Pineville, other economic development districts in the parish, and business and property owners to provide for district renovation, restoration, and development. Provides for district boundaries.

Proposed law provides for district governance by a board comprised of five members as follows:

- (1) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (2) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the governing authority of Rapides Parish.
- (4) One member appointed by the mayor of city of Pineville subject to the approval of the governing authority of the city of Pineville.
- (5) One member appointed by the Central La. Chamber of Commerce.

Requires all members to be residents and qualified voters of the district.

Proposed law authorizes the board, if an appointing authority fails to make an appointment within 30 days after notification by the board of a vacancy, to appoint a member of its own choosing. Authorizes the appointing authority to replace the member that it appointed for cause stated in writing and to fill any vacancy of an unexpired term. Provides that board members shall serve four-year staggered terms and serve without compensation except for certain duty-related reimbursement. A majority of the board shall constitute a quorum unless otherwise provided in bylaws. Requires the board to keep and make available meeting minutes, that the district's monies, funds, and accounts be in the board's custody, the board to adopt bylaws, that its domicile be located within the district, and to elect officers. Authorizes the board to employ or contract with an executive director and hire other employees.

Proposed law grants the board powers granted to parishes (R.S. 33:4625(F)) relative to redevelopment plans and acquisition of property for public purposes. Requires the board to formulate a redevelopment plan(s) and further requires the board to formulate a program(s) that shall implement the various plans to aid and encourage private development and to promote and coordinate public development. Authorizes the board to conduct studies and consult with other departments and agencies. Authorizes contracting with various people to implement the plan and tax increment financing to be used to pay the costs and expenses associated with implementation of the plan.

Proposed law provides for the district's powers and duties including the following:

- (1) To sue and be sued.
- (2) To adopt bylaws and rules and regulations.
- (3) To receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from the U.S., the state, or any political subdivision thereof, or any person, firm, or corporation.
- (4) To enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.

- (5) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation and to contract with consultants.
- (6) In its own name and on its own behalf, to incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness, subject to voter approval.

Proposed law requires the board to prepare an annual budget of its operating expenses and to have an annual audit of its operating expenses available for public review. Provides that district shall have all authorities provided by present law (R.S. 9038.33 and 9038.34) to implement ad valorem tax or sales tax increment financing. Also authorizes the board to implement hotel occupancy tax increment financing. Provides that the board, in its exercise of tax increment financing, is subject to the provisions of present law (R.S. 33:9038.42). Prohibits the board from designating any tax as part of its increment if the proceeds have been previously pledged as security for bonded indebtedness. Also, any tax or portion of a tax which has been previously dedicated to another purpose according to a proposition approved by voters shall be used as such a tax increment only if approved by a majority of the voters of the taxing authority levying the tax voting on the proposition in an election held for such purpose.

Proposed law provides that it shall not affect any school system or law enforcement agency, and prohibits any tax levied by any such entity to be included in any increment financing agreement authorized by proposed law. Further provides that proposed law shall be liberally construed. Proposed law supersedes present law (R.S. 33:9038.41) relative to tax increment financing in parishes with a population of 120,000-130,000 to the extent in conflict. Specifies that such present law shall not limit the purposes of the increment financing of the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9038.66)